

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHELIA MITCHELL-WILLIAMS,
Plaintiff,

DEMAND FOR JURY TRIAL

-vs.-

CAPIO PARTNERS, LLC,
Defendant.

COMPLAINT AND JURY DEMAND

NOW COMES THE PLAINTIFF, SHELIA MITCHELL-WILLIAMS,
THROUGH COUNSEL, CREDIT REPAIR LAWYERS OF AMERICA, BY
GARY D. NITZKIN, and for her Complaint against the Defendant pleads as
follows:

JURISDICTION

1. This is an action for damages, brought against a debt collector for violating the Fair Debt Collection Practices Act at 15 U.S.C. § 1692 et seq. ("FDCPA"), Michigan Collection Practices Act at M.C.L. § 445.251 et seq. ("MCPA") and the Michigan Occupational Code at M.C.L. § 339.901 et seq. ("MOC").

VENUE

2. The transactions and occurrences which give rise to this action occurred in Wayne County, Michigan.
3. Venue is proper in the Eastern District of Michigan.

PARTIES

4. Plaintiff is a natural person residing in Redford, Wayne County, Michigan. Mrs. Mitchell-Williams is a “consumer” and “person” as the terms are defined and used in the FDCPA. Plaintiff is also a “consumer,” “debtor” and “person” as the terms are defined and or used in the MCPA and MOC.
5. The Defendant to this lawsuit is Capio Partners, LLC, which is a Texas company that conducts business in the State of Michigan.

GENERAL ALLEGATIONS

6. Defendant is attempting to collect a medical debt with account number 15675963 in the amount \$66.00 to Beaumont Health System (“The Debt”).
7. On or about February 13, 2017, Mrs. Mitchell-Williams obtained her Trans Union credit report and noticed that Defendant reported the alleged Debt.

8. On or about February 20, 2017, Mrs. Mitchell-Williams, through our office, sent a letter to Defendant disputing the alleged Debt.
9. The following companies obtained Mrs. Mitchell- Williams Trans Union credit report after the dispute letter was sent to Defendant:
 - a. April 26, 2017, Credit One Bank;
 - b. April 17, 2017, Capital One; and
 - c. April 11, 2017, April 7, 2017, Advance America.
10. On or about May 17, 2017, Mrs. Mitchell-Williams obtained her Trans Union credit file and noticed that Defendant failed to indicate that she disputed the above alleged Debt, in violation of the FDCPA.
11. Mrs. Mitchell-Williams has suffered frustration, anxiety and other emotional distress as a result of Defendant's actions.

**COUNT I – VIOLATION OF THE FAIR DEBT COLLECTION
PRACTICES ACT**

12. Plaintiff reincorporates the preceding allegations by reference.
13. At all relevant times Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
14. Mrs. Mitchell-Williams is a "consumer" for purposes of the FDCPA and the account at issue in this case is a consumer debt.

15. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

16. Defendant's foregoing acts in attempting to collect this alleged debt violated the following provisions of the FDCPA:

- a. 15 U.S.C. §1692e(8) by failing to communicate that a disputed debt is disputed. Defendant violated this provision by continuing to report the alleged Debt on Mrs. Mitchell-Williams' Trans Union credit file without flagging the alleged Debt as disputed.
- b. 15 U.S.C. §1692e(10) by using false representations or deceptive means to collect or attempt to collect a debt. Defendant violated this provision by continuing to report the alleged Debt on Mrs. Mitchell-Williams' Trans Union credit file without flagging the alleged Debt as disputed.

17. Mrs. Mitchell-Williams has suffered economic, emotional, general and statutory damages as a result of these violations of the FDCPA.

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT grant her damages plus costs, interest and attorneys' fees as provided by the Fair Debt Collection Practices Act.

COUNT II - VIOLATION OF THE MICHIGAN OCCUPATIONAL CODE

18.Plaintiff incorporates the preceding allegations by reference.

19.Defendant is a "collection agency" as that term is defined in the Michigan Occupational Code ("MOC"), M.C.L. § 339.901(b).

20.Mrs. Mitchell-Williams is a debtor as that term is defined in M.C.L. § 339.901(f).

21.Defendant's foregoing acts in attempting to collect this alleged debt violated the following provisions of the MOC:

- a. MCL §339.915(q) by failing to implement a procedure designed to prevent a violation by an employee.

22.Mrs. Mitchell-Williams has suffered damages as a result of these violations of the Michigan Occupational Code.

23.These violations of the Michigan Occupational Code were willful.

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT grant her damages plus costs, interest and attorneys' fees as provided by the Michigan Occupational Code.

COUNT III - VIOLATION OF THE MICHIGAN COLLECTION PRACTICES ACT

24.Plaintiff incorporates the preceding allegations by reference.

25. Defendant is a "Regulated Person" as that term is defined in the Michigan Collection Practices Act ("MCPA"), at MCL § 445.251.

26. Mrs. Mitchell-Williams is a "consumer" as that term is defined at MCL § 445.251.

27. Defendant's foregoing acts in attempting to collect this debt violated the following provisions of the MCPA:

- a. MCL §445.252(q) by failing to implement a procedure designed to prevent a violation by an employee.

28. Mrs. Mitchell-Williams has suffered damages as a result of these violations of the MCPA.

29. These violations of the MCPA were willful.

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT grant her damages plus costs, interest and attorneys' fees as provided by the Michigan Collection Practices Act.

JURY DEMAND

Plaintiff hereby demands a trial by Jury.

Respectfully submitted.

Dated: June 27, 2017

/s/ Gary Nitzkin

GARY D. NITZKIN (P41155)

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